

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO

3 UNITED STATES OF AMERICA, )  
4 )  
5 Plaintiff, )  
6 vs. ) NO: 23-CR-1389 MIS  
7 )  
8 KARYN ESTRADA, )  
9 )  
Defendant. )

10 TRANSCRIPT OF PROCEEDINGS  
11 SENTENCING HEARING  
12 BEFORE THE HONORABLE MARGARET I. STRICKLAND  
UNITED STATES DISTRICT JUDGE  
13 WEDNESDAY, JANUARY 15, 2025  
10:36 A.M.  
LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO

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20 (Proceedings recorded by machine shorthand and  
transcript produced by Computer-Aided Transcription.)  
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UNITED STATES DISTRICT COURT  
100 N. Church St., Las Cruces, NM 88001  
(575) 528-1430

1 Appearances of Counsel:

2 FOR THE UNITED STATES:

3  
4 UNITED STATES ATTORNEY'S OFFICE  
5 District of New Mexico  
6 200 N. Church St.  
7 Las Cruces, NM 88001  
8 BY: SILVIA DELGADO, ESQ.  
9 MATILDA VILLALOBOS, ESQ.

10 FOR THE DEFENDANT:

11  
12 FEDERAL PUBLIC DEFENDER'S OFFICE  
13 506 S. Main St., Ste. 600  
14 Las Cruces, NM 88001  
15 BY: FRANCISCO VALCARCEL, ESQ.

16 Also Present: Juan Ramirez, Probation Officer

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UNITED STATES DISTRICT COURT  
100 N. Church St., Las Cruces, NM 88001  
(575) 528-1430

1 (In Open Court at 10:36 A.M.)

2 THE COURT: The next case is *United States of*  
3 *America versus Karyn Estrada.*

4 May I have entries of appearance, please?

5 MS. DELGADO: Silvia Delgado and Matilda  
6 Villalobos on behalf of the United States.

7 MR. VALCARCEL: Good morning, Your Honor.  
8 Francisco Valcarcel on behalf of Ms. Estrada.

9 Your Honor, I anticipate we will have some  
10 witnesses, family members perhaps. Would the Court prefer  
11 that I conduct proceedings from the podium with the client  
12 or from counsel table?

13 THE COURT: Whatever you want to do is fine with  
14 me, Mr. Valcarcel. What do you want to do?

15 MR. VALCARCEL: I'll bring -- I have a lot of  
16 stuff, but I'll bring it over to the podium.

17 THE COURT: Whatever works for is you fine with  
18 me.

19 MR. VALCARCEL: Thank you, Judge. Thank you,  
20 Your Honor.

21 THE COURT: All right. I've reviewed the  
22 Presentence Report, the defendant's objections to the  
23 Presentence Report, the Government's response, and then  
24 Probation's addendum.

25 Counsel, have you received a copy of these

1 documents and reviewed them with your client?

2 MR. VALCARCEL: We have, Your Honor. And I would  
3 state that, after reviewing the addendum that takes into  
4 account all the objections and the responses, we have  
5 nothing further at this time.

6 I do need to make a record regarding the legal  
7 objection that was forwarded and the defense's response to  
8 the PSR.

9 THE COURT: Okay. So after reviewing the  
10 addendum to the Presentence Report, is the only outstanding  
11 objection or correction the enhancement for the restraint?

12 MR. VALCARCEL: Yes, Your Honor, I believe  
13 that's -- that might be rendered moot because of the case.  
14 So that's the part I was going to make the record about.

15 THE COURT: Okay. I just wanted to make sure.  
16 So there were a bunch of objections to the Presentence  
17 Report -- excuse me. There were a bunch of corrections to  
18 the Presentence Report. Are any of those outstanding at  
19 this point?

20 MR. VALCARCEL: No, Your Honor.

21 THE COURT: Okay.

22 MR. VALCARCEL: We're ready to proceed with the  
23 addendum as is.

24 THE COURT: Okay. So then the only outstanding  
25 objection or correction is the issue about the enhancement

1 for the restraint that we're going to address now?

2 MR. VALCARCEL: Yes, Your Honor.

3 THE COURT: All right. Go ahead, Mr. Valcarcel,  
4 on the objection.

5 MR. VALCARCEL: Thank you. It's no secret that  
6 the defense believes that 30 years is too high a sentence  
7 for Ms. Estrada. In its efforts to try to mitigate her  
8 punishment, we forwarded that objection, but the Court can  
9 see that, in accordance with our obligations of candor to  
10 the Court, we noted contrary case law. So even though I  
11 believe, as a defense lawyer, that the plain language of  
12 3A1.3 would not seem applicable to Ms. Estrada's particular  
13 circumstances because of the Tenth Circuit decision in *U.S.*  
14 *v. Walker*, Your Honor -- and I can quickly summarize: In  
15 that case, the defendant's boyfriend was force-feeding a  
16 child some pizza, causing the child to choke. And there's  
17 all these horrible allegations regarding child abuse. When  
18 the boyfriend was force-feeding the child some pizza, the  
19 defendant, who was the child's mother, saw that and just  
20 said she didn't want to deal with it and turned around and  
21 went to her room. So, in those circumstances, the Tenth  
22 Circuit found that the physical restraint enhancement was  
23 applicable. Given that, Your Honor, at this time, I cannot  
24 move forward on that objection, Your Honor --

25 THE COURT: Okay.

1                   MR. VALCARCEL: -- because I believe the case law  
2 will not be in our favor.

3                   THE COURT: Okay. So you're withdrawing the  
4 objection regarding the restraint enhancement?

5                   MR. VALCARCEL: Yes, Your Honor, given the case  
6 law.

7                   THE COURT: All right. So that's withdrawn.

8                   Any other objections or corrections that -- to  
9 the Presentence Report, then?

10                  MR. VALCARCEL: No, Your Honor. The remainder of  
11 our presentation this morning would basically be a request  
12 for mitigation --

13                  THE COURT: Okay.

14                  MR. VALCARCEL: -- or a downward variance in the  
15 case.

16                  THE COURT: Then I'll hear from the parties.

17                  First, from the Government?

18                  MS. DELGADO: Thank you, Your Honor.

19                  (Discussion off the record.)

20                  MS. DELGADO: So, Your Honor, based on the  
21 information -- first of all, Your Honor, let me address the  
22 Victim Rights Act, okay? We did advise the victim of all of  
23 her rights under the Victim Rights Act. She is present in  
24 court today and would like to address the Court when the  
25 Court is ready to speak to her.

1                 However, based on the information outlined in the  
2 PSR, sentencing memos, and the fact that the defendant  
3 accepted responsibility and did plead guilty prior to trial,  
4 the United States will be requesting a sentence at the low  
5 end of the Guideline of 30 years of imprisonment and will  
6 impose the special penalty assessment.

7                 Since the Court has heard all the trial testimony  
8 and reviewed all the relevant documents, exhibits, briefs  
9 filed by counsel, we will be standing by our brief, but if  
10 the Court has any additional questions, we are happy to  
11 answer them. And, as a reminder, the victim and her family  
12 are present in the courtroom and are ready to speak when the  
13 Court would like to hear from them.

14                 THE COURT: All right. Whenever the Government  
15 wants to present them is fine with me.

16                 MS. DELGADO: Your Honor, she's ready now.

17                 THE COURT: How do you want her to --

18                 MS. DELGADO: We had advised her she was going to  
19 be at the podium.

20                 THE COURT: That's fine.

21                 Mr. Valcarcel, why don't you guys sit down.

22                 MR. VALCARCEL: We'd be happy to, Judge. Thank  
23 you.

24                 (Discussion off the record.)

25                 THE COURT: All right. Come forward to the

1 podium here. State your name and make your statement for  
2 the court.

3 MS. MASCORRO: Kamryn Mascorro.

4 THE COURT: Go ahead.

5 MS. MASCORRO: Mom, I always doubted myself after  
6 everything happened. I never knew how to handle myself  
7 after everything happened. I would get into my moods and  
8 end up taking it out on the wrong people. I'm already going  
9 to be 17 and still don't know how to process what happened  
10 or handle myself. I'm still making bad decisions because I  
11 always thought I wasn't good enough in life. All I ever do  
12 is think, like, "Why?" I want to be the way I am, as if  
13 none of this happened. Just to be a mom, and all you ever  
14 did was think about yourself and not your kids.

15 Now -- and, now, look at us: We can't talk or  
16 see each other anymore. I have so much anger inside, I  
17 don't even know what to do with it anymore. You made me  
18 feel like I was worth nothing. The one time I needed you,  
19 you kicked me to the curb like it -- like it didn't hurt. I  
20 wish it didn't end up like this, but it did. There's not  
21 one day that passes where you're not on my mind. I'm always  
22 thinking about you, just wondering if you're okay. Your  
23 baby still loves you so much, Mom.

24 That's all I have to say.

25 THE COURT: All right. Thank you for your

1 statement. I'm sure you've been told this before, but  
2 nothing that happened to you was your fault. I mean, you  
3 deserved a lot better than what you got.

4 It's up to me what to give your mom, the  
5 defendant, in this case, but what's your request for  
6 sentencing?

7 MS. MASCORRO: I'm not too sure.

8 THE COURT: That's okay. All right. You can  
9 have a seat.

10 MS. MASCORRO: Okay. Thank you.

11 THE COURT: Thank you for coming to court.

12 Anybody else from the Government?

13 MS. DELGADO: No, Your Honor.

14 THE COURT: All right. Defense, you can come  
15 back to the podium or you can remain -- whatever you want to  
16 do, Mr. Valcarcel.

17 MR. VALCARCEL: That's fine, Your Honor. If I  
18 can use the podium?

19 THE COURT: Sure.

20 MR. VALCARCEL: Thank you.

21 May I proceed, Your Honor?

22 THE COURT: Of course. Go ahead, Counsel.

23 MR. VALCARCEL: May it please the Court. Your  
24 Honor, we have a series of horrible allegations that have  
25 been proven beyond a reasonable doubt at trial. And it's

1 enough to make even the most level-headed person's blood  
2 start boiling a little bit.

3 I'm not going to mince words. My client, Karyn  
4 Estrada, was a horrible mother. And, in a minute, I'll -- I  
5 will enter into more detail as to why I'm using the past  
6 tense. But she was a horrible mother to Ashley. I mean, we  
7 have the reports; we have the history; the Court has gone  
8 over voluminous filings and materials, so the Court is well  
9 aware of what the history is. She was also a horrible  
10 mother to Adrianna. Daniel is an interesting case. I don't  
11 know if he took after his father or just, you know, he's  
12 taken to the wrong path. I don't know how he's doing or  
13 what his plans for the future are. And all of this toxic  
14 stew led up to what happened with Ms. Mascorro.

15 And, in Karyn Estrada, Kevin Clements found  
16 fertile soil for satisfying his perversions. It's  
17 unfortunate for my client that she lacked the stamina and  
18 the emotional, psychological resources to be able to not put  
19 herself first; to be able to get rid of the drug addiction  
20 and the addiction to opioids and alcohol. And she just spun  
21 out of control and this eventually led to basically her  
22 prostituting her own daughter. And, again, these are facts  
23 which can -- people that don't have a certain temperance or  
24 level-headedness would certainly crucify Ms. Estrada. She  
25 was a horrible mother, and there's no doubt about that.

1                 Now, I'm using the past tense, Your Honor,  
2 because all of this came to a head. Being a crappy mom to  
3 Ashley, Adrianna, Daniel, that's not a federal crime. But  
4 when she agreed to prostitute her daughter to Clements, that  
5 certainly became a federal offense, and it was proven here  
6 beyond a reasonable doubt. All that being said, I think,  
7 with the utmost respect to the Court, to the Government,  
8 federal criminal courts are ill-suited to heal family  
9 relations. I don't know, I'm not a social worker, I'm not a  
10 counselor, I'm not trained in that area, but at the end of  
11 the day, Your Honor, I don't know if life will be better  
12 with Ms. Estrada dying in prison. And I'm not exaggerating  
13 when I say "dying." I think 30 years for a first felony  
14 offender, even in a serious offense, is quite a long  
15 sentence. I know the Government provided a detailed  
16 response as to the availability of medical treatment and  
17 whatnot, but I don't think that gets to the crux of the  
18 matter.

19                 I would note that I have been informed that her  
20 oldest daughter is trying to heal the relationship with  
21 Ms. Estrada. Because we're in a pending case, I told them  
22 that we have to wait to see what happens. Again, I don't  
23 know if that willingness to ever retake or restart a  
24 relationship is -- if Ms. Mascorro is willing to do that,  
25 but, at the end of the day, Your Honor, I think 30 years is

1 too much.

2 I would note, for purposes of the record, that  
3 the reasons we believe that sentence would be unreasonable  
4 as to Ms. Estrada, taking into account the Guideline, which,  
5 again, at the end of the day, is advisory, and the 3553(a)  
6 factors, which, admittedly, cut both ways, Your Honor, she  
7 accepted responsibility. She entered a guilty plea. The  
8 charge did not carry a mandatory minimum. The original  
9 charge, which is sex trafficking with coercion -- sex  
10 trafficking of a minor by coercion, carried a 15-year  
11 minimum. Eventually, we entered a plea that doesn't carry a  
12 mandatory minimum, but now the Guidelines are recommending  
13 twice that amount. With all due respect, I've never been a  
14 prosecutor, but I can only imagine, not only the chaos, the  
15 complications, but the emotional turmoil, especially for the  
16 victim, if we had gone to trial and Ms. Mascorro had to face  
17 her mother in the midst of a criminal jury trial. By  
18 Ms. Estrada not going to trial and accepting responsibility  
19 for subjecting her daughter to this horrible ordeal, the  
20 Government did not have to do that. The Government did not  
21 have to deal with a situation that could have been  
22 infinitely messy. This is not to doubt the capabilities of  
23 the prosecution team. They're both very experienced  
24 attorneys, but I could have seen that a long way coming,  
25 Your Honor.

1               It was -- I can understand that perhaps -- and,  
2 again, I'm not putting words in the Government's mouth --  
3 but thinking as a lawyer, the only training I have, I can  
4 understand perhaps why it would be frustrating for the  
5 Government, given that Ms. Estrada initially wanted to  
6 cooperate against Mr. Clements and testify at trial -- when  
7 we sat down, I think the meeting was -- was moving right  
8 along, but when -- as the prosecutor has to do, the  
9 prosecutor began to address Ms. Estrada's own conduct, she  
10 froze up and, I think, at that point, cooperation was no  
11 longer a viable option. So I can perhaps understand the  
12 frustration that the Government experienced.

13               This case has been a learning experience for me,  
14 even though I've been practicing for 24 years. But it was  
15 hard for Ms. Estrada for all these -- all these miss --  
16 failings, all this -- this reprehensible conduct as a parent  
17 to hit her all at once. And it's been hard work trying to  
18 get her to this point.

19               I would note, Your Honor, that I know that she  
20 has been a horrible mother. She has been the victim of  
21 trauma herself. We are not trying to engage in a contest  
22 here to see who has been the most traumatized. At the end  
23 of the day, if we're older, if we're adults, if we're  
24 parents, it's upon us to fix our trauma. Because unfixed  
25 trauma, we end up spewing that on other people; people that

1 have no -- they should not be hurt. They should not be  
2 exposed to our unhealed trauma. And, unfortunately,  
3 Ms. Estrada never got the chance to fix that. And the  
4 filings we have, the social work history, the evaluation by  
5 Dr. Barneclo, point to some of the reasons that that trauma  
6 was not handled before it exploded into this horrible  
7 situation, Your Honor. I would simply note that -- I  
8 believe it's on page 15 of the Government's response -- that  
9 the Government outlined some of the behavior that victims of  
10 sexual abuse have to battle, have to overcome, have to deal  
11 with for the rest of their lives. And a lot of that  
12 Ms. Estrada has suffered as well.

13 And we see the results of that unhealed trauma.  
14 You know, she didn't take ownership of her mothering. She  
15 didn't control her drug abuse. She was putting herself  
16 first. She was going with the worst men out there, and she  
17 was exposing her children to all kinds of harm. But all  
18 that's come to a head, Your Honor. That's why I say that  
19 she was a horrible mother. She is willing to take ownership  
20 of the fact that she failed her children miserably, but now  
21 she is in a position where she is willing and able to -- and  
22 I'm faithful that the BOP will have resources that can help  
23 her, if the Court were to grant a more lenient sentence, as  
24 we're requesting, so that, when she comes out, perhaps even  
25 if it's for a brief minute, this family's toxic trauma can

1 be healed.

2 I know that it's frustrating. I know page 16  
3 says that, Well, she says she can handle on it her own, so  
4 drug use is not an issue. The problem with Ms. Estrada is  
5 that she always tried to -- on the report, she always tried  
6 to pretend she had it together, and then everybody else is  
7 paying the consequences. And that mask is off, Your Honor,  
8 in front of the District of New Mexico -- I don't know if  
9 there's anybody from the news -- and all of Artesia, as far  
10 as I know, knows it. The mask is off. She has to take  
11 ownership. She cannot deflect anymore.

12 I know page 22 of the response paints a rather  
13 pessimistic picture of her prospects for recovery. I would  
14 respectfully differ with that. We have, appended to our  
15 response to the PSR, Dr. Barnecllo's evaluation. He does  
16 provide some science-based recommendations that can assure  
17 that if Ms. Estrada were to see the light of day again, she  
18 would be a law-abiding, healthy citizen that would not  
19 engage in conduct harmful to the public or her family. I  
20 would also disagree that it's necessary -- and I'm  
21 paraphrasing. And, again, I apologize if my paraphrasing is  
22 overbroad or incorrect -- but it's not necessary to send a  
23 message by sentencing Ms. Estrada to 30 years. I think we  
24 are at a time, Your Honor, where even the most wealthy,  
25 powerful music moguls, businessmen, they're undergoing

1 prosecution for all their sexual abuse. This does not go  
2 unpunished. But a woman with a host of trauma, limited  
3 economic means, from Artesia, New Mexico, we don't need to  
4 send a message with her, Your Honor. I think ten years is  
5 more than enough.

6 I know that there are concerns as to what happens  
7 moving forward. The Court has tools that can assure that  
8 not only deterrence and respect for the law is met, but that  
9 we have a sentence sufficient but not greater than necessary  
10 under the law. There's always the possibility -- along with  
11 the different therapeutic and vocational treatment that she  
12 can receive, we also have the possibility of lifetime  
13 supervised release, Your Honor.

14 Also, very importantly, for the record -- this is  
15 something that I found out recently after looking at a legal  
16 article -- the offense of conviction that Ms. Estrada has  
17 disqualifies her from First Step Act earned-time credit.  
18 So, again, no disrespect to anyone, but when the Government  
19 asks for 30 years, with no earned time credits, that's a  
20 capital sentence, Your Honor. So, again -- and just for the  
21 record, it would be all offenses from Chapter 77. 1591  
22 falls under that. I think the only exceptions are for 1593  
23 and a couple of other statutes, but, based on my legal  
24 research, she would be ineligible for earned-time credits.  
25 So that only adds to the punishment. And it still makes

1 ten years a very onerous sentence, Your Honor.

2 I would -- for illustration purposes, Your Honor,  
3 let's take the *Walker* case, itself, which we alluded to  
4 briefly. We didn't go into the facts, but as I mentioned  
5 earlier, this was a case that involved child abuse on the  
6 Muskogee reservation. And, in that case, both the mother of  
7 the child that was abused and the boyfriend who conducted  
8 some horrible physical abuse, feeding the child within an  
9 inch of his life, they received favorable plea offers; both  
10 were denied; they went to trial. At the end of the case,  
11 both of them were found guilty, and the Court varied upwards  
12 substantially. The Court in that case mentioned that it had  
13 not run into a situation like that. The Court agreed with  
14 the Government's argument that they could have proceeded  
15 under a more severe statute and that an upward variance  
16 could ensure a sentence comparable to punishment under that  
17 more severe statute that they chose not to prosecute or go  
18 to trial on. At the end of the day, the boyfriend got  
19 300 months. The mother got 120 months.

20 This case has some rather unique circumstances,  
21 Your Honor, but I was recently, very recently, made aware of  
22 a case, surprisingly prosecuted by the Department of Justice  
23 out of West Virginia. And I found this out, not through  
24 Westlaw or Lexis, but through the *New York Times*. And this  
25 case involved a former police chief named Larry Clay. Larry

1 Clay paid a woman \$100 to have -- to sexually assault her  
2 17-year-old daughter. This was a sex trafficking of a minor  
3 prosecution. At the end of that prosecution, he was found  
4 guilty. He received 25 years, and the mother received  
5 9 years.

6 I can instinctually understand why it hurts -- we  
7 feel more anger, we're more concerned when a child's own  
8 mother is the one who facilitates the horrible abuse that  
9 was committed. We all have parents, we all have families,  
10 and it hurts. When a stranger hurts us, it hurts, but it  
11 doesn't hurt as much as when it's our own flesh and blood.  
12 And that's what makes this case so difficult, Your Honor.  
13 But, at the end of the day, if nothing else, Kamryn Mascorro  
14 was spared the trauma of pointing out in front of 12  
15 strangers, and whatever strangers are in the audience --  
16 Kamryn was spared the trauma of having to point at her own  
17 mother in front of those strangers and tell them, "That's  
18 the woman who took some money to have me abused by Kevin  
19 Clements."

20 So, unfortunately, AOR can only get us so far,  
21 but, Your Honor, given the history and circumstances that  
22 were presented, we respectfully submit that a sentence not  
23 to exceed ten years is still a substantial punishment. It  
24 ensures deterrence. What happened to the Estrada family,  
25 what happened to Ashley, Adrianna -- Daniel, again, I can't

1 speak for him -- what happened to Kamryn will never happen  
2 again. Kamryn will be safe. Ashley will heal. Adrianna  
3 will, one day, forgive. But I don't think that that  
4 wound -- those wounds, because they're collective wounds,  
5 it's collective trauma -- I don't think these wounds are  
6 going to heal when they find out their mother died in inside  
7 a federal prison.

8 Thank you, Judge.

9 THE COURT: Thank you.

10 MS. DELGADO: Your Honor, before we hear from any  
11 witnesses, may we approach?

12 THE COURT: Sure.

13 (Bench conference.)

14 MS. DELGADO: Thank you, Your Honor. I  
15 apologize. I just wanted to address two issues: Number 1  
16 related to the debrief. Yes, she did come and sit down, but  
17 we do want to make it clear to the Court that she helped in  
18 no way. We completely prosecuted the case without her  
19 assistance.

20 THE COURT: I was here in trial. But what  
21 happened? Like, why did you-all choose not to use her?

22 MS. VILLALOBOS: Why did we do what, Your Honor?

23 THE COURT: Why did you choose not to use her as  
24 a witness in trial?

25 MS. VILLALOBOS: She chose not to testify, Your

1 Honor. She did not agree to testify.

2 THE COURT: So she comes in and debriefs, you-all  
3 start talking to her about what she did, and then she  
4 refused to speak further?

5 MS. VILLALOBOS: Correct. She notified us she no  
6 longer wished to participate in the prosecution.

7 THE COURT: There, during the debrief?

8 MS. VILLALOBOS: I think it was --

9 MR. VALCARCEL: Your Honor, what happened was we  
10 were going over the conduct of the codefendant, and she had  
11 no problem. But, obviously, the Government needs to address  
12 what she did, and, at that point, she froze. So I don't  
13 think it was more of a, "Well, I'm going to" -- because we  
14 spoke to her and we tried to salvage it, but it was -- I can  
15 lead a horse to water, but I can't make them drink.

16 THE COURT: You've done a very good job in this  
17 case. None of this is your fault.

18 MR. VALCARCEL: Thank you.

19 THE COURT: But -- so did you notify the  
20 Government later on behalf of your client that she would not  
21 be cooperating --

22 MR. VALCARCEL: Yeah, because we had to dig  
23 through the trauma and all that stuff. Thank you.

24 THE COURT: Anything else?

25 MS. DELGADO: The second issue is: We didn't

1 know you were bringing witnesses; we didn't have notice of  
2 that. We would like to know who is coming and what they're  
3 going to say, so we can at least prepare the victim --

4 MR. VALCARCEL: Oh, we don't have --

5 MS. DELGADO: -- for what she might hear.

6 MR. VALCARCEL: -- any witnesses.

7 (Reporter interruption for clarification.)

8 THE COURT: Okay. We've got to talk into the  
9 microphone --

10 MR. VALCARCEL: Oh, sorry.

11 THE COURT: -- because she can't hear.

12 MS. DELGADO: Okay. I thought you said people  
13 were going to testify on her behalf.

14 MR. VALCARCEL: No, no. I'm sorry. I had  
15 mentioned that I anticipated, you know, on your end, but we  
16 don't have anybody.

17 MS. DELGADO: Oh, okay --

18 MR. VALCARCEL: We don't --

19 MS. DELGADO: -- we --

20 (Reporter attempted interruption for clarification.)

21 MS. VILLALOBOS: Just very briefly: On the  
22 cooperation, we just wanted to note for the record --  
23 Mr. Valcarcel mentioned our frustrations with that -- we  
24 didn't take her refusing to cooperate -- that was not  
25 anything, like, we were punishing her for in our sentence.

1 In our request for 30 years, we did not take into account  
2 her refusal to cooperate in coming up with that sentence.

3 THE COURT: I didn't think you did. Okay. All  
4 right.

5 (Bench conference concluded.)

6 THE COURT: All right. Ms. Estrada, what would  
7 you like to say before you're sentenced?

8 THE DEFENDANT: Your Honor, I am very ashamed of  
9 my horrible choices that have hurt my daughter and continue  
10 to impact her. I have regrets and remorse every day for the  
11 physical and mental trauma my daughter, Kamryn, suffered  
12 because of my selfish decisions. I have found, not only  
13 Kamryn, but also my daughters, Ashley and Adrianna, and my  
14 son, Daniel, they have been hurt by this situation of my  
15 addictions all their lives. Now that I am sober and making  
16 progress in getting help, I can see more clearly into the  
17 pain I have caused them. And if I could take this trauma  
18 away from them -- most importantly from Kamryn -- I would in  
19 a heartbeat.

20 After learning of the depths of the allegations  
21 in the PSR, I am devastated to know that the codefendant  
22 also used a firearm to threaten my daughter's life.  
23 Admitting to myself and taking responsibility for what I  
24 have done to my daughter has been the hardest thing I've  
25 ever had to do. Nothing compares to it. Not losing our

1 Habitat for Humanity home and not losing my dog and best  
2 friend Raider because of my incarceration. It's so hard to  
3 reconcile within myself what I have caused. And it's a  
4 costly regret that casts a shadow on my heart. The guilt  
5 and shame completely overwhelm me, yet mean absolutely  
6 nothing when I consider the pain my daughter, Kamryn, feels.

7 However, where do I go from here? Not for myself  
8 but to somehow help her cope and to reach her to a feeling  
9 of normalcy, if that is even possible. I don't know if it  
10 is, but that is my hope for her. Since my incarceration,  
11 I'm now receiving counseling and support for the first time.  
12 It has made me realize many things. My choices and  
13 selfishness led to my addiction to alcohol, illegal drugs,  
14 and to my prescribed pain medications, including opioids.  
15 My addictions blinded me seeing or caring about the trauma I  
16 was causing my children. I am solely responsible for  
17 failing as mother to all of my children, but especially to  
18 Kamryn. I can see now -- see that now and admit that.

19 I have started to reconcile with Ashley and  
20 Daniel by apologizing for things I can remember and  
21 believing them and hearing them out when they tell me about  
22 ways I have hurt them that I don't ever remember because I  
23 was too drunk or high. It feels like the start of a long  
24 healing process for them. And, for me, I pray every day  
25 that all three of my children will eventually offer me

1       forgiveness, especially Kamryn, even though I know that I  
2       may not deserve that. As for forgiving myself, I can only  
3       pray that, one day, God will show me the way.

4                   I just want to tell Kamryn that I know that  
5       "sorry" is not enough and I -- you can't say "sorry" a  
6       million or more times, but I'm so sorry for hurting you,  
7       Kamryn. And I'll be a more good mother to you. And if I  
8       could take it all back and do things over, I would. And if  
9       I've ever caused you any harm, just know that I love you and  
10      I think about you every day and hope you're doing good in  
11      school and with your family relationships.

12                  THE COURT: Ms. Estrada, why did you do this to  
13      your daughter?

14                  THE DEFENDANT: I was highly under the influence  
15      of drugs and alcohol and I wasn't in a clear state of mind.

16                  THE COURT: I mean, a lot of people use drugs and  
17      alcohol, a lot of them are not in clear states of mind; they  
18      do not let their own daughter be sexually abused by their  
19      boyfriend. What other explanation do you have?

20                  THE DEFENDANT: I was afraid of what he would do  
21      if I didn't allow him to do that.

22                  THE COURT: Okay. So why did you do it  
23      repeatedly? Why didn't you call the police and have him  
24      arrested?

25                  THE DEFENDANT: I didn't think that the cops

1 would do anything, and I was afraid to get in trouble  
2 myself.

3 THE COURT: You didn't think the cops would do  
4 anything about a man molesting a child?

5 THE DEFENDANT: Like I said, I was under the  
6 influence, heavily, of illegal drug use, ma'am.

7 THE COURT: I mean, a mom's job is to protect her  
8 children, not be their victimizer. I'm just -- I don't  
9 understand why a mother would do this to their child.

10 You've been in county for a while now. What have you come  
11 up with?

12 THE DEFENDANT: I can repeat it over and over:  
13 For my illegal drug use and being selfish and not caring  
14 about my child.

15 THE COURT: Why do you think you're that level of  
16 selfish?

17 THE DEFENDANT: I'm sorry?

18 THE COURT: Why do you think you're so selfish?  
19 I mean, a lot of us are selfish, but why do you think you're  
20 so selfish as to sell your daughter to your boyfriend for  
21 money and drugs?

22 THE DEFENDANT: Unresolved trauma and not getting  
23 the loving care that I -- that I never received also from my  
24 own mom.

25 THE COURT: I mean, you know, your attorney is

1 asking for a very low sentence. The Government's asking for  
2 30 years in prison, but the Guidelines are 30 years to life.  
3 I'm concerned that you're a danger to children -- you're a  
4 danger to your own children. I'm concerned you're a danger  
5 to other children as well. Do you want to address that?

6 THE DEFENDANT: I can guarantee that it would  
7 never happen again.

8 THE COURT: Why?

9 THE DEFENDANT: Because I'm now sober and  
10 receiving therapy for my mental health issues.

11 THE COURT: I mean --

12 THE DEFENDANT: And I've been sober even before  
13 my incarceration and have remained sober during my  
14 incarceration.

15 THE COURT: Why didn't you get sober, when you  
16 were sexually trafficking your daughter, so you could stop?  
17 Why didn't you work on that?

18 THE DEFENDANT: I didn't know how.

19 THE COURT: I mean, did you ever try? Did you go  
20 to Alcoholics Anonymous, Narcotics Anonymous?

21 THE DEFENDANT: I tried going to mental health  
22 therapy. And every time I would get a counselor, they would  
23 move away. And...

24 THE COURT: Okay.

25 THE DEFENDANT: ...I was on a long waiting list

1 to get into a therapist that specialized in PTSD.

2 THE COURT: Did you try to do anything, like,  
3 while you were on the waiting list, to stop, to stop using  
4 drugs and alcohol, so you weren't abusing your young  
5 daughter?

6 THE DEFENDANT: When I started taking prescribed  
7 opioids, that's when I stopped drinking alcohol.

8 THE COURT: Okay. Did you stop doing anything  
9 else?

10 THE DEFENDANT: No.

11 THE COURT: Why?

12 THE DEFENDANT: Because I was addicted.

13 THE COURT: But why didn't you try to do things  
14 to get un-addicted, or to at least stop using as much?

15 THE DEFENDANT: Because I didn't have the  
16 resources, ma'am.

17 THE COURT: Uh-huh.

18 Mr. Valcarcel, did you want to say something?

19 MR. VALCARCEL: Yes, Your Honor.

20 THE COURT: Go ahead.

21 MR. VALCARCEL: Your Honor, I do have -- one of  
22 the challenges with Karyn has been that she -- it's really  
23 difficult for her to express herself. So we had the -- her  
24 allocution, we worked together on it. I know she was -- it  
25 came out staccato because she was crying. I've given a copy

1 to Ms. Delgado and Ms. Villalobos. If we can --

2 THE COURT: Sure. Of course, hand that to  
3 Ms. Chavez.

4 Did you want to refer me to a part of it or did  
5 you just give me a copy of it?

6 MR. VALCARCEL: Just so the Court has a copy of  
7 it.

8 (Discussion off the record.)

9 MR. VALCARCEL: And, Your Honor, just to address  
10 the Court's concern: There was one occasion -- I believe we  
11 mentioned it in the social work history -- where Clements  
12 beat Ms. Estrada. She called the police, but I believe, as  
13 unfortunately happens on a lot of domestic violence cases,  
14 she backed out from, you know, cooperating with that arrest.  
15 But there was at least one call that was made as a result of  
16 Clements' battery.

17 THE COURT: That's when he beat her, not when he  
18 beat her daughter, right?

19 MR. VALCARCEL: That's when he beat her. That's  
20 a call --

21 THE COURT: Yeah.

22 MR. VALCARCEL: -- but the case did not go  
23 anywhere.

24 THE COURT: It didn't go anywhere because the  
25 defendant backed out and won't testify against him?

1                   MR. VALCARCEL: It's what we see often with  
2 these --

3                   THE COURT: Yeah, we do.

4                   MR. VALCARCEL: -- DV cases.

5                   Your Honor, there's also an issue that we  
6 mentioned, alluded to in the -- if not -- in Dr. Barneclo's  
7 evaluation, which he does mention how she tends to  
8 underreport or paint a rosier picture than what's really  
9 going on. I believe, when we look at her social work  
10 history, we see why these trust issues came about.

11                  THE COURT: When she didn't like the way the  
12 providers talked about the clients?

13                  MR. VALCARCEL: She worked at a place where --  
14 and that kind of traumatized her, that she felt she couldn't  
15 turn to anybody. But then, you know, we have this person  
16 that, then -- he shows her what she believes is love and --  
17 you know, and then starts supplying her with drugs -- and  
18 all of this ties into the testimony that was heard at trial  
19 by the gentleman who was one of the nation's top experts on  
20 grooming. You know, obviously, the victim here is Kamryn,  
21 but it is a fact that, to get to Kamryn, Clements had to  
22 work on Ms. Estrada. And just to note that, Your Honor.  
23 Thank you.

24                  THE COURT: Yeah. I mean, that's true. A lot of  
25 pedophiles do that. They find women who are vulnerable to

1 allowing their children to be molested. But, I mean, I've  
2 done criminal defense for years. I've been a judge for a  
3 bit now. This is the worst case of trafficking her own  
4 child that I think I've ever seen.

5 You did it repeatedly. You did it just -- you  
6 did it for drugs and money, and you did it -- you gave her  
7 to a person that you knew was violent. I mean, it's violent  
8 to attack and rape children, but he was violent beyond that.  
9 He beat her. He used weapons against this tiny, little  
10 girl. I just don't -- I mean, do you want to try again to  
11 explain it to me? I mean, I understand you were using drugs  
12 and alcohol. I understand that you have past trauma. We  
13 see that literally every single day, but we don't see things  
14 like this every single day. Why are you like this, that you  
15 could do this to your own child?

16 (Discussion off the record.)

17 THE COURT: Do you want me to ask you again?

18 MR. VALCARCEL: She just told me she doesn't know  
19 what to say, Your Honor.

20 THE COURT: Okay. Do you understand the  
21 question, Ms. Estrada?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: But you don't know what to say to it?

24 THE DEFENDANT: I've already said what I can say.  
25 I don't know what else to say.

1                   THE COURT: Okay. I'm going to sentence you to  
2 life in prison.

3                   The Court accepts the plea agreement in this  
4 case. The Court adopts the Presentence Report's factual  
5 findings and has considered the Sentencing Guideline  
6 applications and the 3553(a) factors.

7                   The Offense Level is 42. Criminal History is I,  
8 Guideline range is 360 to life.

9                   The Court notes the defendant provided the  
10 services of Jane Doe, her then ten-year-old daughter, to  
11 codefendant Clements, who physically and sexually abused Doe  
12 on several occasions over approximately six months. Doe was  
13 in the care, custody, and supervisory control of Estrada,  
14 who was aware that Clements was sexually abusing Doe by  
15 force, which included him digitally penetrating her vagina,  
16 penetrating her vagina with his penis, and other aggravated  
17 sexual abuse.

18                  While sexually abusing Doe, Clements threatened  
19 to kill her, put a knife to her stomach, and pointed a gun  
20 at her. Clements restrained Doe by holding her hands down  
21 as he assaulted her, dragging her from one room to another;  
22 threatening to kill her to prevent her from fleeing. Doe  
23 sustained serious bodily injury while being punched and  
24 struck by Clements, which appears to have been severe enough  
25 that it resulted in Doe losing consciousness on several

1       occasions. Doe was forced to accompany Clements to  
2       different locations within his home where she was sexually  
3       assaulted and forced to accompany him to a different  
4       building in the RV park property, during which Doe was put  
5       into a duffle bag and placed into the trunk of a vehicle.

6                  As to the Information, the defendant is committed  
7       to the custody of the Bureau of Prisons for life. I'll make  
8       a recommendation for the 500-hours program and the sex  
9       offender treatment program.

10               Well, do you want that, Mr. Valcarcel?

11               MR. VALCARCEL: Yes, Your Honor.

12               THE COURT: Okay.

13               MR. VALCARCEL: I would -- if the Court does not  
14       want to downward vary, would the Court consider 30 years in  
15       lieu of life?

16               THE COURT: I did consider it. I mean, I  
17       considered the Sentencing Guidelines, so I considered the  
18       Guideline.

19               The defendant is -- well, it's a life sentence.  
20       If somehow there were to be supervised release, she's placed  
21       on supervised release for ten years. She must comply with  
22       the mandatory and standard conditions of supervision,  
23       including the standard sex offender conditions adopted by  
24       the District of New Mexico in 2018.

25               The defendant should not communicate or otherwise

1 interact with the codefendant or coconspirator in this case.

2                 The defendant -- the Court will -- let's see.

3         Oh, the mandatory Victim Restitution Act applies in this  
4         case. It's ordered the defendant make restitution to L.M.  
5         in the amount of \$2,170; A.M. in the amount of \$439.96; and  
6         Presbyterian Health in the amount of \$1,304.03. It's due  
7         immediately. She's jointly and severally held liable with  
8         her codefendant, Mr. Clements. To the extent the defendant  
9         is unable to pay that immediately, the Court imposes a  
10        backup schedule of payments of \$300 per month or 15 percent  
11        of her monthly gross income, whichever is greater, until  
12        restitution is paid in full. It will be submitted to the  
13        Clerk of the Court at the federal court in Albuquerque. I'm  
14        using a pseudonym to protect the victim's privacy in this  
15        case.

16                 Based on a lack of resources, I won't impose a  
17        fine. I've considered a fine and find the total combined  
18        sanction is sufficiently punitive.

19                 The defendant will pay a special assessment of  
20        \$100. That's due immediately.

21                 Defendant is subject to the Justice for Victims  
22        of Trafficking Act, but the Court finds the defendant is  
23        indigent and will not be required to pay the assessment.

24                 The defendant will not transfer, sell, give away,  
25        or otherwise convey any asset with a fair market value in

1 excess of \$500 without the approval of Probation until all  
2 financial obligations imposed by this Court have been  
3 satisfied.

4                   Defendant will notify the Financial Litigation  
5 Program of the United States Attorney's Office of any  
6 interest in property obtained directly or indirectly,  
7 including any interest obtained in any other name or entity,  
8 including a trust, partnership, corporation, after the  
9 execution of this agreement until the final restitution is  
10 paid in full. And the defendant will notify the Financial  
11 Litigation Program of the United States Attorney's Office  
12 before the defendant transfers any interest in property  
13 owned directly or indirectly by the defendant, including any  
14 interest held or owned under any name or entity, including  
15 trusts, partnerships, and/or corporations.

16                   The Court finds, pursuant to the plea agreement,  
17 the defendant's waived her right to appeal the final  
18 sentence imposed by the Court.

19                   Anything else from the Government?

20                   MS. DELGADO: Your Honor, just relating to the  
21 restitution, I know we discussed in our briefing we'd like  
22 to have a hearing on it with Mr. Clements. We will file a  
23 briefing on it.

24                   THE COURT: You want to have a hearing on it in  
25 this case?

1 MS. DELGADO: Yes, Your Honor.

2 THE COURT: Okay. I mean, I just ordered it. Do  
3 you want something different than that?

4 MS. DELGADO: Yes, Your Honor. We're going to  
5 request additional funds based on the reports we received  
6 from our expert.

7 THE COURT: Oh, okay. I thought the script was  
8 complete on that.

9 Mr. Valcarcel, what's your position on having a  
10 hearing on that?

11 MR. VALCARCEL: I have no objection to the amount  
12 that was outlined in the addendum. I will -- if I can  
13 reserve on that --

14 THE COURT: Sure.

15 MR. VALCARCEL: -- until I see what the  
16 Government wants to get from Ms. Estrada, Your Honor.

17 My only remaining issue, Your Honor: We're  
18 asking the Court to consider including a J&C recommendation  
19 for Bryan, Texas, the women's facility.

20 THE COURT: I'll make a recommendation for that  
21 facility.

22 MR. VALCARCEL: I realize that she -- we entered  
23 into a plea bargain with a waiver of appeal; nonetheless, I  
24 have to see what happens. Just for purposes of the record,  
25 I cannot realistically say that the Court didn't explain the

1 sentence sufficiently. We respectfully differ with the  
2 Court's assessment and the sentence that was imposed. We  
3 believe it is in violation of 18 U.S.C. § 3553(a). And  
4 that's just for purposes of the record.

5 THE COURT: No, that's fine. I'll go over the  
6 3553(a) factors.

7 I've considered the 3553(a) factors to impose a  
8 sentence that's sufficient but not greater than necessary to  
9 comply with the purposes set forth in sentencing.

10 First, I'm considering all the arguments from the  
11 Government, including that they're asking for a 30-year  
12 sentence.

13 I'm considering all arguments from defense  
14 counsel, which was laid out in defense counsel's filing, but  
15 including the evaluation, including Ms. Estrada's lack of  
16 really significant criminal history before this crime, and  
17 considering Ms. Estrada's acceptance of responsibility. I'm  
18 considering Ms. Estrada's expressed remorse as to what she's  
19 done, including Ms. Estrada's -- the trauma to which she was  
20 subjected by numerous people in her life, and all other  
21 arguments by defense counsel and Ms. Estrada herself.

22 The Court's considering the nature and  
23 circumstances of the offense and the history and  
24 characteristics of the defendant. I mean, the nature and  
25 circumstances of the offense are extremely serious.

1 Ms. Estrada sold her very young daughter to her drug dealer  
2 boyfriend, or her boyfriend who also used a lot of drugs  
3 along with her, for money on multiple occasions. She knew  
4 that her boyfriend was dangerous because -- well, because he  
5 wanted to buy a child to rape and because she, herself, had  
6 witnessed her boyfriend be violent towards her. She called  
7 the police one time based on her boyfriend's violence. She  
8 didn't follow through and have him put in custody, and she  
9 didn't call the police when her daughter was being abused by  
10 him, but she knew that he was dangerous. And so the nature  
11 and circumstances of this case are extremely serious.

12 The Court's considering the history and  
13 characteristics of the defendant, including everything laid  
14 out by defense counsel and the Presentence Report that  
15 speaks in her favor, but also based on some history and  
16 characteristics that don't -- that are not favorable for  
17 Ms. Estrada. She does have some criminal history before she  
18 committed this crime and, admittedly, has been -- I think  
19 the term was a "horrible" mother to her children. So I'm  
20 considering, I guess, the negative and sometimes positive  
21 history and characteristics of the defendant.

22 I'm considering the need for the sentence imposed  
23 to reflect the seriousness of the offense -- it's -- again,  
24 this offense is very serious -- promote respect for the law  
25 and provide just punishment for the offense. I find a

1       high-end sentence -- well, a life sentence is needed to meet  
2       those goals in sentencing.

3                 I'm considering the need to afford adequate  
4       deterrence to criminal conduct. The defendant's explanation  
5       for her criminal conduct and explanation to the Court's  
6       concern that she needs to be deterred from is just that she  
7       used drugs and alcohol and had some other underlying mental  
8       health issues. That is something that the Court has seen in  
9       her practice and has seen, as a judge, many times. That  
10      does not really explain this criminal behavior adequately,  
11      so I'm concerned that the defendant will continue to be a  
12      danger to children. I'm also considering deterrence to the  
13      public or anybody else who might consider selling their  
14      child for money.

15                I'm -- oh, I'm considering to protect the public  
16       from further crimes of the defendant, which I just reviewed.

17                I'm considering the need to provide the defendant  
18       with educational and vocational training, medical care and  
19       correctional treatment in the most effective manner, which I  
20       find to be in the Bureau of Prisons. I made a  
21       recommendation for two different programs in the Bureau of  
22       Prisons.

23                I'm considering the kinds of sentences available  
24       and the defendant's request for a ten-year sentence. I'm  
25       considering the sentencing range. I'm giving a Guideline

1 range sentence. I'm considering all United States Guideline  
2 policy.

3 I'm considering the need to avoid unwarranted  
4 sentencing disparities among defendants with similar records  
5 who have been found guilty of similar conduct. Defense  
6 counsel did discuss other cases where defendants received  
7 lower sentences than what Ms. Estrada is receiving today. I  
8 don't find those defendants have similar records or to have  
9 been found of similar conduct because the conduct in this  
10 case is egregious. But if there is some sentencing  
11 disparity among defendants with similar records who have  
12 been found guilty of similar conduct, I find it's warranted  
13 in this case by the defendant's -- by the age at which she  
14 sold her daughter to her boyfriend, her knowing her  
15 boyfriend was extremely violent, and the length time she  
16 allowed her daughter to be sexually used for money.

17 I'm considering the need to provide restitution  
18 to the victim in this case. I've ordered restitution, and  
19 it looks like we'll either have a hearing on more  
20 restitution or there'll be some kind of stipulation by the  
21 parties.

22 Mr. Valcarcel, does the defendant have an  
23 objection to the adequacy of the explanation for that  
24 sentencing?

25 MR. VALCARCEL: I'd be hard-pressed to say that

1 it hasn't been sufficiently explained. At the end of day,  
2 all I'm asking is for leniency, but the Court has made its  
3 decision, Your Honor. We disagree with it, and I have to  
4 move on.

5 THE COURT: I understand, Mr. Valcarcel. You did  
6 a really good job under a very difficult case. I appreciate  
7 all the work --

8 MR. VALCARCEL: Thank you, Your Honor.

9 THE COURT: -- that you have done.

10 Anything else from the Government?

11 MS. DELGADO: Your Honor, just to be clear, since  
12 Mr. Valcarcel stated that, we understand defense objects to  
13 the length of the sentence imposed, but we want to ensure  
14 that the defendant, nor Counsel, has any objections to the  
15 procedural history or posturing that the Court has conducted  
16 this far.

17 THE COURT: Mr. Valcarcel?

18 MR. VALCARCEL: No, Your Honor, procedurally,  
19 I -- and, again, I -- there's some conversations I need to  
20 have. If I didn't voice a procedural objection, I believe  
21 there's none. Substantively, I think it's patently obvious,  
22 but aside from that, Your Honor, that's all I have to say.  
23 Thank you.

24 THE COURT: All right. Thank you.

25 MR. VALCARCEL: Your Honor, with that, may I be

1 excused?

2 COURT CLERK: Yeah -- hold on one second. I'm  
3 sorry.

4 (Discussion off the record.)

5 THE COURT: We need a motion and order to dismiss  
6 Counts 1 and 2 of the Indictment.

7 MS. DELGADO: The Government will do that.

8 THE COURT: All right. Thank you both.

9 (The proceedings concluded at 11:27 A.M.)

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1 UNITED STATES OF AMERICA

2 DISTRICT OF NEW MEXICO

3

CERTIFICATE OF OFFICIAL REPORTER

5 I, Vanessa I. Alyce Chavez, CRR, RPR, NMCCR, and  
6 Federal Official Court Reporter in and for the United States  
7 District Court for the District of New Mexico, do hereby  
8 certify that pursuant to Section 753, Title 28, United  
9 States Code, that I did report in stenographic shorthand to  
10 the best of my skill and ability the foregoing pages 1-41 of  
11 the proceedings set forth herein, that the foregoing is a  
12 true and correct transcript of the stenographically recorded  
13 proceedings held in the above-entitled matter and that the  
14 transcript page format is in conformance with the  
15 regulations of the Judicial Conference of the United States.

16

17 Dated this 7<sup>th</sup> day of February 2025.

18

19 S/Electronically Filed

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